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OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Marley Hart, Executive Director
Occupational Safety and Health Standards Board
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833

PETITION FOR NEW REGULATION

Dear Ms. Hart,

I am a retired San Diego Superior Court Judge.

My friends, male and female, have spoken to me almost daily for the past five years about their experiences in medical school and now as Interns and Residents. What they have told me, confirmed by my own research, about the abusive working hours of Interns and Residents in our state's hospitals is horrifying.

It is one thing to watch "Grey's Anatomy" and "ER". It is quite another to get an inside look at the real world of overworked and exhausted Resident Doctors whose decisions are affecting the lives of patients.

If modern citizens of the greatest nation in the world think the great battles for workers' rights have all been fought, we need to think again. We have learned nothing from the Pennsylvania coal miners who worked from dawn to dusk only to be terminated summarily when their working conditions sickened them.

Resident Doctors, who handle the frontline work of patient care in California's hospitals, are virtual slaves. They work under constant stress in windowless rooms for 24 to 30 hours at a stretch, on their feet, up to 120 hours per week. They work these grueling hours every fourth day, interrupted by 12 to 16 hour days, for 14 days straight without rest.

Residents (which include the first year Interns) keep themselves awake with caffeine and illicit drugs. They work whether they are sick or well, because failure to work for two days in a month sets them back in their program one month which must be worked again. It does not matter to hospital administrators whether a Resident contracts a serious illness from a patient—they must come to work or make up the time.

Too many Residents are chronically depressed. On duty they seldom eat because there is no time between patients and paperwork; they have no time to shower, brush their teeth, change clothes or go to the bathroom during two day stints. They joke about crying on the job, laughing uncontrollably, snapping at nurses and patients, keeling over in the hallways, throwing up, being sicker than their patients at times, and never seeing their own children.

To keep them going on the job it is almost a necessity for Resident Doctors to have a spouse or other family support system at home. Support persons must set their own needs aside for the three to six years their doctors spend in residency.

Aside from the physical toll on Residents, the mental toll is significant. Day after day they stumble home and into bed, unable to give time or care to their children and spouses at home. Child

neglect is a necessity for Residents. That's what new Doctors do to their children to qualify as practicing Physicians-- to deliver the "compassionate care" promised by the profession and hospital administrators.

Hospital administrators, by the way, take advantage of the cheap labor provided by professional Resident staff. The average \$36,000 per year salary of a Resident , calculated in dollars per hour, is simply minimum wage. Moreover, most Residents are facing a \$250,000 debt from medical school when they finally exit their 3 to 7 year Residency.

More than half of all new doctors today are women. Most will marry and half will become pregnant in medical school or Residency. And, yes, they work 24 to 30 hour shifts while pregnant, despite the known dangers to themselves and their fetuses. Low birth weight babies and eclampsia are just two of the consequences of overwork.

Repeated studies have also shown that exhausted Residents pose a serious danger to themselves as well as other drivers on the road. Sleep deprivation leaves them with the same cognitive deficits as inebriated drivers. While not the subject of this petition: patients of these Residents are continuously at risk from mistakes made because of exhaustion.

To say that Resident Doctors are suffering incalculable damage to their physical and mental health due to excessive work hours is to state the obvious. The only real question is why this situation has continued for so many years. The parties directly responsible for the continuation of this modern day slave system are hospital administrators and the Accreditation Council for Graduate Medical Education. Their rationales range from the profit-driven motives of administrators, to the archaic old wives' tales of a century ago when physicians lived in hospitals and handled a fraction of the patients seen by doctors today.

Doctors are finally beginning to act.

On September 2, 2010, a coalition of physicians and consumer advocates petitioned OSHA in Washington, D.C., for a new regulation limiting the hours that may be required of Resident Physicians. This petition is thorough and answers all the major issues involved with Resident work hours, including: the jurisdiction of OSHA to act on the petition; the status of Resident Physicians as "employees"; the health and safety impacts on the chronically exhausted Residents, and the specious arguments offered up in support of continued abuse of Residents. I have enclosed the Petition, which is publicly available, and respectfully request that its supporting data and proposals be considered here.

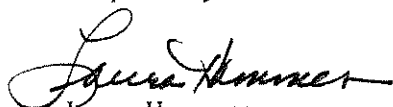
I am hopeful that California might act sooner and with greater force than the federal government office of OSHA. My petition is quite simple and admittedly only a step in the right direction. A truly fair work schedule is probably not feasible in 2010. I ask that the Standards Board of CalOSHA adopt a new regulation limiting Intern and Resident Physician work hours in California as follows:

- 1) A limit of 60 hours of work in each and every week, without averaging;**
- 2) A limit of 12 consecutive hours worked in one shift for all resident physicians and subspecialty resident physicians.**

~~Ends~~ The United States of America -- the only country in the world founded upon the fundamental truth that all persons are endowed with certain unalienable rights; that among these are Life, Liberty, and the Pursuit of Happiness . None of these rights are possible when employers deliberately jeopardize the health and welfare of their employees with abusive working conditions.

Who will pick the cotton? Figure it out! Slavery is not an option.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Laura Hammes".

Laura Hammes
Judge, Retired

I can be reached at: 619-224-9327/ lphammes@gmail.com

Enclos.

